

Applicant submits that claim 1 is patentable over the combination of the cited references. For example, claim 1 recites that a contact circuit member includes a first through hole.

The Examiner maintains that the side notch of substrate 58, which is below slot 43 of Nestor, forms the claimed “through hole” (Fig. 1). However, the notch is formed due to the shape of substrate 58. It appears that the combination of face 46 and the notch form what appears to be a “through hole”, rather than just the notch itself. Accordingly, Applicant submits Nestor fails to teach or suggest the claimed contact circuit member.

Claim 1 further recites that an oscillating switch has a cam surface formed on one of an operating knob and a lower casing. In other words, the cam surface is formed on either the operating knob or the lower casing.

The Examiner maintains that grooves 48, 50 and 52 of Nestor disclose the claimed cam surface. Previously, the Examiner maintained that keycap 12 disclosed the claimed operating knob, and lock arm stabilizer 41 or back cover 70 disclosed the claimed lower housing (pg. 2 of Feb. 10, 2003 Office Action). However, as shown in Fig. 1 of Nestor, grooves 48, 50 and 52 are not formed on alleged operating knob 12 (keycap) or alleged lower casing 41, 70 (lock arm stabilizer, back cover), as required by claim 1.

In the current Office Action, the Examiner maintains that face 46 of housing 40 can also disclose the claimed lower casing, such that the alleged cam surface 48, 50, 52 is formed on the alleged lower casing 46 (face) (Fig. 1). However, if Applicant assumes *arguendo* that face 46 constitutes the claimed lower casing, then Nestor fails to teach or suggest the claimed contact circuit member. As recited in claim 1, the contact circuit member is provided on the lower

casing. As shown in Fig. 1 of Nestor, substrate 58 is provided on back cover 70. Substrate 58 is not provided on face 46.

Accordingly, Applicant submits that Nestor fails to teach or disclose the claimed cam surface, which is formed on one of an operating knob and lower casing. In addition, if the Examiner maintains that face 46 discloses the claimed lower casing, Applicant submits that Nestor fails to teach or disclose the claimed contact circuit member.

Claim 1 also recites a rubber switch member which is provided on the contact circuit member and includes a pair of rubber contact portions and a second through hole, of which a click feeling producing mechanism passes through.

On page 2 of the current Office Action, the Examiner acknowledges that Nestor fails to teach or suggest the claimed rubber switch member, but contends that Date does. However, Applicant submits that Date fails to teach or suggest the claimed rubber switch member.

The Examiner has not specifically pointed out which portion of Date discloses the claimed rubber switch member. Therefore, Applicant assumes that the Examiner maintains that force bearing portions 12a-12d disclose the claimed members (Fig. 2; col. 4, lines 41-51). However, the force bearing portions 12a-12d do not have a through hole which a click feeling-producing mechanism passes through, as required by claim 1. As stated in the reference, conductive portions 3a-3d are fixed on the force bearing portions 12a-12d (Fig. 2; col. 4, lines 45-48). Further, foot portions 9a-9d push on the conductive portions 3a-3d via the force bearing portions 12a-12d (col. 4, lines 47-51). There is no disclosure of a "through hole" in the

conductive portions 3a-3d or force bearing portions 12a-12d. Therefore, Applicant submits that force bearing portions 12a-12d fail to teach or disclose the claimed rubber switch member.

As stated on page 8 of the present Application, the configuration of a non-limiting embodiment of the claimed oscillating switch reduces spacing between the upper and lower casings, and in turn, reduces the required number of parts. Applicant submits that the combination of Nestor and Date fail to teach or suggest such an oscillating switch. Accordingly, Applicant submits that claim 1 is patentable over the cited references.

Since claims 3 and 4 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

B. Claims 2 and 5-10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nestor and Date in view of GB 2 277 199 to Ogawa et al. ("Ogawa").

Applicant submits that claim 2 is patentable over the cited reference. For example, claim 2 recites that a cam surface is formed on a distal end of an operating portion which projects from the operating knob and passes through a first and second through hole. Further, the urging member is received and held in a receiving recess in the lower casing.

The Examiner acknowledges that Nestor fails to teach or disclose the claimed operating portion, but contends that Fig. 9(a) of Ogawa does. However, Applicant submits the Office Action is misinterpreting and/or misapplying the cited reference. For example, assuming that the clicking means 30, between second push members 63, 63, discloses the claimed click feeling

producing mechanism, such device does not pass through a first and second through hole of a contact circuit member and rubber switch member, as required in the claim. Further, Ogawa fails to show an urging member which is received and held in a receiving recess in a lower casing.

In addition, one skilled in the art would not be motivated to provide the clicking means 30 of Ogawa at the ends of lock arms 26, 28 of Nestor, since lock arms 26, 28 are already formed to interact with grooves 48, 50, 52 (col. 2, lines 62-67). Further the clicking means 30 of Ogawa appears to be formed so as to allow for an up/down movement, in addition to a pivotal movement to the left and right. For example, as shown in Fig. 2(a), clicking means 30 is composed of a pin 29 and a compressive spring 28 (page 8, lines 6-8). The compressive spring 28 will allow for movement in the up/down direction.

On the contrary, Nestor is not configured to move in an up/down direction. As shown in Fig. 1, and described in the specification, pivot rod 36 extends from body portion 11 to be received in a recess or hole in housing 40 (col. 2, lines 52-55). The use of pivot rod 36 facilitates pivotal movement of keycap 12, but do not allow keycap 12 to move in an up/down direction. Therefore, Applicant submits that providing the clicking means 30 of Ogawa, to the ends of lock arms 26, 28 of Nestor, would go against the teachings of Nestor, and would provide an inoperable combination (due to pivot rod 36).

Further, as stated above in Applicant's comments for claim 1, Date fails to teach or disclose the claimed rubber switch member.

In light of the above, Applicant submits that claim 2 is patentable over the combination of the cited references.

Regarding claim 5, Applicant submits that such claim is patentable over the combination of the cited references. For example, claim 5 recites that an operating portion projects from a central portion of the operating knob.

The Examiner maintains that lock arm 28 of Nestor projects from a central portion of keycap 12 (Fig. 1). However, as shown in Fig. 1, and described in the reference, lock arms 26, 28 extend downwardly from the sides 18, 20 of body portion 11 of keycap 12 (col. 2, lines 42-50). The reference does not teach that lock arms 26, 28 extend from a central portion of keycap 12. Accordingly, Applicant submits that claim 5 is patentable over the cited references.

Applicant submits that claim 6 is patentable over the combination of the cited references. For example, claim 6 recites that the cam surface has a v-shaped cross section along an axis of pivotal movement of the operating knob.

The Examiner maintains that cam surface 48, 50, 52 of Nestor forms a v-shaped cross section. However, claim 6 is dependent upon claim 2, and as stated on pages 2 and 3 of the Feb. 10, 2003 Office Action (which is referred to by the Examiner in the present Office Action), the clicking mechanism of Nestor is not of the type claimed in claim 2. In other words, Nestor does not teach or suggest a cam surface formed on a distal end of the claimed operating portion. In particular, Nestor fails to teach or disclose that the alleged cam surfaces 48, 50, 52 are formed on a distal end of lock arms 26, 28. Accordingly, Nestor likewise fails to teach or suggest the cam

Response under 37 C.F.R. § 1.116
U.S. Application No. 09/987,634

surface recited in claim 6, since the cam surface recited in claim 6 is formed on a distal end of the claimed operating portion (as recited in claim 2).

Since claims 7-10 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

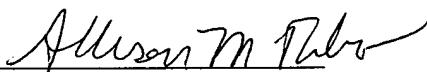
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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